



California Regional Water Quality Control Board San Diego Region



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Secretary for
Environmental Protection

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March 23, 2010

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 2677

Darren Warren
Pulte Home Corporation
18401 Von Karman Ave, Ste. 200
Irvine, CA 92612

In reply refer to:
257144: amonji

Dear Mr. Warren:

Subject: Response to the Year 4 monitoring report for **Silverhawk III Project**, Certification No. 02C-103.

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), issued a Clean Water Act Water Quality Certification for the Silverhawk III Project, 02C-103, on December 16, 2002. The project is located north of Nicolas Road, south of the Silverhawk II development, and east of Winchester Road in western Riverside County.

Project Description

The project is the construction of a residential community consisting of approximately 122 single-family residential homes on the 54.6 acre site. As proposed in the application, the project permanently impacts 0.42 acre of the two ephemeral drainages on site and their tributaries. Required mitigation consists of "creating 0.42 acre of wetland area in the preserved open space area on the west side of the site, and the purchase of at least 0.42 acre from the Barry Jones Wetland Mitigation Bank."

Site preparation of the restoration site began in spring 2005 and installation of the restoration site was completed on July 1, 2005. A 5-year maintenance and monitoring period for the restoration site began on July 1, 2005.

A. The Regional Board has reviewed the annual mitigation monitoring report and has the following comments:

1. The mitigation site is currently not meeting success criteria set forth in the *Silverhawk III Final Mitigation and Monitoring Plan*, dated April 28, 2003, by HELIX Environmental Planning, Inc. Specifically, the site does not meet criteria for:
 - o Percent cover of native species.

California Environmental Protection Agency

2. The annual monitoring report does not specify what measures will be taken to ensure the success of the mitigation site. Please submit plans for adaptive habitat management that will address the challenges faced by the mitigation site.

B. The Regional Board has reviewed the project file and finds that the project is:

- IN COMPLIANCE with the conditions of the Certification,
 NOT IN COMPLIANCE with the conditions of the Certification for the following reasons;

1. An as-built report for the mitigation site/project site was not submitted. (Condition 9.)

Failure to comply with all conditions of this Certification may subject you to enforcement actions by the California Regional Water Quality Control Board, San Diego Region, including administrative enforcement orders requiring you to cease and desist from violations, or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Please provide a written response to the Regional Board by April 23, 2010 describing how the applicant has or will resolve the above compliance issues. Your response will be reviewed to determine if appropriate measures have been taken to address the violations noted and to assess the need for further enforcement action.

In the subject line of any response, please include the requested "In reply refer to:" information located in the heading of this letter. For questions pertaining to the subject matter, please contact Alan Monji at (858) 637-7140 or amonji@waterboards.ca.gov.

Respectfully,



Chiara Clemente
Senior Environmental Scientist

Enclosures:

cc: Jasmine Watts
HELIX Environmental Planning, Inc.
7578 El Cajon Blvd., Ste. 200
La Mesa, CA 91942

Tech Staff Info & Use	
File No.	02C-103
WDID	9000001026
Reg. Measure ID	373493
Place ID	257144
Party ID	35054

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
6010 Hidden Valley Rd, Suite 105
San Diego, CA 92011-4213

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
4949 Viewridge Avenue
San Diego, CA 92123

U.S. Department of the Interior
Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011

U.S. EPA, OWOW, Region 9
75 Hawthorne St.,
San Francisco, CA 94105
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
P.O. Box 100
Sacramento, CA 95812-0100
Stateboard401@waterboards.ca.gov

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p style="text-align: center;"><i>Darren Warren Pulte Home Corporation 18401 Von Karman Ave, Ste. 200 Irvine, CA 92612</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7009 1410 0002 2347 2677</p>

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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Certified Fee											
Return Receipt Fee (Endorsement Required)											
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$										
<p>Sent To <i>Darren Warren Pulte Home</i></p> <p>Street, Apt. No., or PO Box No. <i>18401 Von Karman Ave, Ste 200</i></p> <p>City, State, ZIP+4 <i>Irvine, CA 92612</i></p>											
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>											